

I am Marjorie Dempsey and I am a judge in the Philippines. I'm married to a registered sex offender for ten (10) years now. Before I married him, I already know that he is in the registry but that did not dissuade me from marrying him.

The Philippine Constitution has been patterned to the US Constitution because the Philippines was once occupied by the United States of America. The Philippines adopted the US Constitution because it is the better one among that of the Spanish or Japanese Constitutions. Although we don't have a registry of sex offenders, said registry is unconstitutional in many aspects.

1. It is an ex post facto law because it increases the penalty after the crime was committed. In the case of my husband, when he was convicted in 1997, the registry was not yet in effect. Thus after serving time in prison, and out on parole, that should be the end of it. However, in 2006, with the passage of the Adam Walsh Act, he was required to register quarterly for a lifetime. This violates the rule against retroactivity of laws. What is worse, several laws of similar import have been passed throughout the years which inflict graver restrictions and added penalties. Everytime a new penalty is added on top of the already served sentence, it creates a new sentence. This is punitive plain and simple. The accused who have already served his original sentence will never be freed from his sentence because of the change shifting penalties. Retroactive application of laws should only be allowed when it would benefit the accused, consistent with the Pro Reo Principle.

2. It is violative of the Due Process Clause. By due process, an accused should be afforded all the information regarding the crime he committed at the time it was committed. At the time my husband was charged, the penalty was imprisonment for a given number of years as defined in the law violated. Armed with that knowledge, it aided him to admit liability. With the subsequent passage of the Adam's Walsh Act, it imposed an added layer of penalty that was not in the charge when the plea was made. Thus, in order not to violate the due process clause, only those accused at the time when the penalty included being in the registry who should be bound by it.

3. It violates the Equal Protection Clause. Subjection to lifetime registry for sex crimes but not on other crimes which are equal to or more severe than sex crimes unjustly puts the former at a great disadvantage, something that is frowned upon by any democratic institution. For instance, a person convicted of urinating on a tree in a park is much more severely punished than that of a person who assaulted someone because the former bears prison time and lifetime registry as against the latter where the person after paying his dues to society can enjoy his freedom unimpeded.

Because of the cruel restrictions imposed by the registry requirement, my husband has been denied being a father to his two daughters, a grandfather to his grandchildren. Likewise, my son is robbed of being with his two sisters and their kids.